

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for February 4, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** Waiver # 03016

**PROPOSAL:** Waive the installation of sidewalks on Pioneers Blvd. and installation of the remaining sidewalk on South 59<sup>th</sup> St. associated with Interlochen Estates final plat.

**LOCATION:** S. 59<sup>th</sup> St. & Pioneers Blvd.

**LAND AREA:** 6.67 acres

**CONCLUSION:** Interlochen Estates final plat was approved on September 26, 1989. the subdivision ordinance requires that sidewalks be installed within four years of the final plat approval. The applicant was granted an extension to September 29, 1996 to install the sidewalks.

The completion of the sidewalks would eliminate gaps in the sidewalk system.

There are no unusual circumstances that would warrant the approval of this waiver. The installation of the sidewalks does not create a hardship or injustice to the subdivider.

**RECOMMENDATION:**

Denial

### **GENERAL INFORMATION:**

**EXISTING ZONING:** R-2 Residential

**EXISTING LAND USE:** Single family dwellings

### **SURROUNDING LAND USE AND ZONING:**

North:	R-2 Residential	Single family dwellings
South:	R-2 Residential	Multiple family dwellings
East:	P-Public	Holmes Park
West:	R-2 Residential	Single family dwellings
	R-4 Residential	Assisted living facility, west of S. 58 <sup>th</sup> St.

**HISTORY:**

<b>September 23, 2002</b>	A waiver to the installation of sidewalks on S. 58 <sup>th</sup> St. adjacent Lot3, Cherrywood Estates Addition was denied by City Council.
<b>November 15, 1993</b>	The date for completion to install sidewalks associated with Interlochen Estates final plat was extended to September 29, 1996 by City Council.
<b>September 26, 1989</b>	Interlochen Estates final plat was approved.
<b>August 28, 1989</b>	Special Permit 561A for Interlochen Estates Community Unit Plan was approved by City Council.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

“Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents.” (F-18)

“ Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or the Community Unit Plan process.” (F-66)

“Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling and provide multiple connections within and between neighborhoods.” (F-66)

“The sidewalk system should be complete and without gaps.” (F-89)

**TRAFFIC ANALYSIS:**      Pioneers Blvd. is classified as a minor arterial street.  
                                     South 59<sup>th</sup> St. is classified as a local street.

**ANALYSIS:**

1.      The applicant is requesting to waive the installation of the remaining sidewalk on South 59<sup>th</sup> St. and the installation of sidewalk on Pioneers Blvd.
2.      Interlochen Estates final plat was approved on September 26, 1989.

3. Section 26.11.040(a) of the Land Subdivision Ordinance states that sidewalks within streets shall be installed within four years of final plat approval.
4. Section 26.27.020 of the Land Subdivision Ordinance stated that sidewalks shall be constructed on both sides of all streets within the subdivision and on the side of the streets abutting the subdivision.
5. The applicant was granted an extension to September 29, 1996 to install the sidewalks. Resolution A-75826 granting the time extension stated that sidewalks shall be installed along Pioneers Blvd. upon the completion of the City's widening project of Pioneers Blvd.
6. Sidewalks are constructed along Pioneers Blvd. west of this subdivision. Sidewalks are constructed on S. 59<sup>th</sup> St. except adjacent to Lot 4, Block 2.
7. The 2025 Comprehensive Plan proposes a bike trail through Holmes Lake Park. The future trails plan identifies a trail that will connect to Pioneers Blvd. just east of 59<sup>th</sup> St. The sidewalk along Pioneers Blvd. is important because it will eliminate a gap in the sidewalk system from 56<sup>th</sup> St. east along Pioneers Blvd. to the trail.
8. The proposed trail through Holmes Park is part of the Holmes Park and Lake restoration project. The restoration project is in the City's 2003-2009 Capital Improvements Program and is proposed to be completed within the next year and a half.
9. Installing the required sidewalks would eliminate a gap in the interior sidewalk system. The sidewalk system would allow for safe pedestrian movement along Pioneers Blvd. to and from the future bike trail immediately east of this subdivision.
10. Public Works Department recommends that the sidewalk waivers not be granted.
11. Parks & Recreation Department opposes the waiver request.
12. The applicant has requested that the surety amount be reduced because most of the sidewalk system is in place on 59<sup>th</sup> Street. Public Works will grant a partial release of the surety. However, in this case the entire sidewalk system was required to be constructed by September 29, 1996. A partial release should not be granted because the entire sidewalk system should be installed. An extension to install the sidewalks should not be granted.

Prepared by:

Tom Cajka  
Planner

**DATE:** January 20, 2004

**APPLICANT:** Zermatt Equity Corporation  
4000 South 59<sup>th</sup> Street Court  
Lincoln, NE 68506  
(402) 483-6284

**OWNER:** same as applicant

**CONTACT:** Kelly N. Tollefsen  
P. O. Box 83439  
Lincoln, NE 68501  
(402) 474-1731



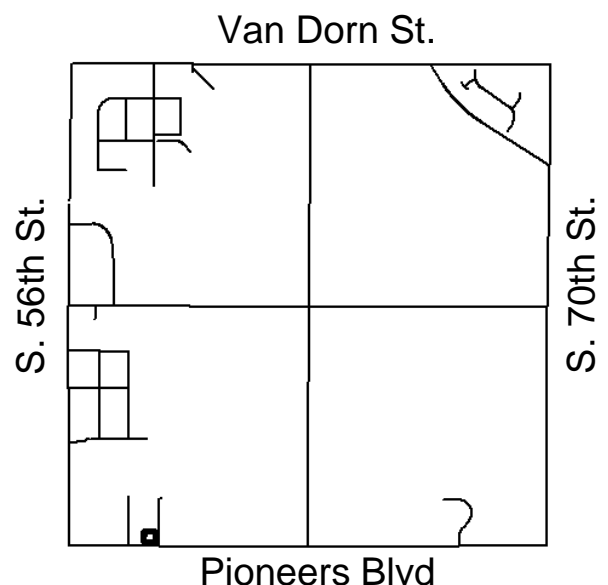
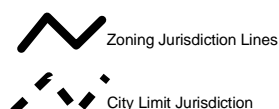
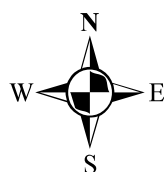
2002 aerial

## Waiver #03016 S. 59th & Pioneers Blvd

### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 4 T9N R7E



# Holmes Lake Trail Connection to Pioneers Blvd.



Park & Golf Course Limits



Holmes Lake



Proposed Trail



Trail Connection(s)

# M e m o r a n d u m

**To:** Tom Cajka, Planning Dept.  
**From:** *[Signature]* Dennis Bartels, Engineering Services  
**Subject:** Sidewalk Waivers Interlochen Estates  
**Date:** January 12, 2004  
**cc:** Randy Hoskins  
Harry Kroos

Engineering Services recommends that the sidewalk waivers not be granted and sidewalks built by June 1, 2004 or the surety called and the sidewalks built by the City. There is sidewalk to the west of this subdivision and a potential trail along Holmes Lake Dam to the east.

Post-it® Fax Note	7671	Date	# of pages ▶
To <i>Tom Cajka</i>		From	
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	



Terry Genrich  
<tgenrich@cl.lincoln.ne.us>  
e.us>

To: Tom Cajka <tcajka@cl.lincoln.ne.us>  
cc:  
Subject: Holmes Lake Trail

01/23/2004 11:40 AM

Tom:

RE: Request for a sidewalk waiver at 59th and Pioneer Blvd.

The Future Trails Plan identifies a trail will be connecting to Pioneer Blvd. just east of 59th and Pioneer Blvd. and east of the location a waiver is being requested. This trail will provide a connection to Holmes Park. A sidewalk going from the trail west along Pioneer Blvd. is important because it will provide access to 56th street.

The construction of this trail will take place within the next year and a half as part of the lake restoration work taking place in Holmes Park. This trail will connect with a trail that will be constructed at the same time that when completed will provide a continuous loop around the lake.

Terry Genrich  
Natural Resources and Greenways Manager



W. MICHAEL MORROW  
TERRANCE A. POPPE  
ROBERT R. OTTE  
DAVID W. WATERMEIER  
TIMOTHY C. PHILLIPS  
JOEL G. LONOWSKI  
JOSEPH E. DALTON  
KELLY N. TOLJESEN  
JENNIFER S. LILIEDAHL

**MORROW, POPPE, OTTE,  
WATERMEIER & PHILLIPS, P.C.**

Attorneys at Law

A Limited Liability Organization

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WEBSITE: www.morrowpoppelaw.com

*Location:*

201 N. 8th Street, Suite 300  
Lincoln, Nebraska 68508

*Mailing Address:*

P.O. Box 83439  
Lincoln, Nebraska 68501-3439

December 23, 2003

**Planning/Zoning Administration**

Attn: John Bradley  
555 South 10th Street  
Lincoln, NE 68508

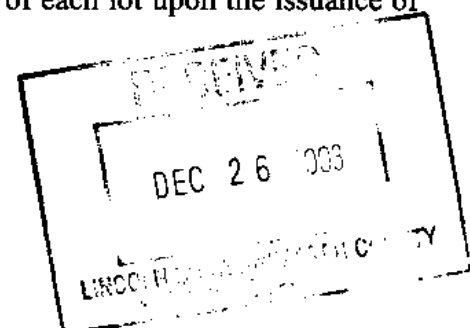
Re: Waiver of Design Standard of Administrative Final Plan of Interlochen Estates/  
Executive Order No. 37176/Application for Waiver of Design Standard to Install  
Sidewalks in Pioneers Boulevard and in South 59th Street Court

Dear John:

Please be advised that this firm represents Zermatt Equity Corporation, the owner and developer of Interlochen Estates. Attached hereto please find copies of the following:

1. Executive Order No. 37176, which was adopted in connection with the approval of the Administrative Final Plat of Interlochen Estates;
2. Copies of the certificates of deposit that have been deposited with the City of Lincoln pursuant to Executive Order No. 37176, in order to guarantee the installation of sidewalks on Pioneers Boulevard and in South 59th Street Court;
3. Copy of the Administrative Final Plat of Interlochen Estates; and
4. Our firm's Zoning Application requesting a Waiver of Design Standards with respect to the sidewalk requirement.
5. Our firm's check in the amount of \$100.00 in order to process this application.

According to the Administrative Final Plat of Interlochen Estates, the sidewalks along Pioneers Boulevard and along South 59th Street Court were to be installed within 4 years after the approval of the Final Plat of Interlochen Estates. According to my records, the Administrative Final Plat of Interlochen Estates was approved by the Planning Director on September 29, 1989. Thereafter, on or about November 15, 1993 a public hearing was had whereby the planning staff recommended to approve the extension of time for completion of sidewalks until September 29, 1996, and provided that sidewalks should be completed in front of each lot upon the issuance of a building permit on said lot.



The applicant is requesting release of the escrow funds to build said sidewalks. The request to waive the design standards is supported by what has happened with the surrounding area since the initial design standards were put in place. For example, just east of the subject area is Holmes Lake Golf Course. The city has decided not build a sidewalk along the golf course. Accordingly, to require the sidewalk along the north side of Pioneers Boulevard would cause that sidewalk to dead end at the immediate adjacent property, which is Holmes Lake Golf Course. In addition, there is a large path for walking on the south side of the street that has been put in.

We are also requesting release of the escrow for the sidewalk requirement on 59th Street Court, since the sidewalk has been built on the court as required except for one lot, which is Lot 4, which no one has built on and for which Zermatt Equity does not intend to sell at this time. In the event that the escrow cannot be released for the entire 59th Street properties and lots, we are requesting that it be reduced to allow for building of the sidewalk in front of the remaining lot (Lot 4) only as the sidewalk has been completed with respect to all other lots owned by separate individuals.

Based upon the above and foregoing, we would request that the Administrative Final Plat for Interlochen Estates, Executive Order No. 37176 be amended and the design standard be granted to the following particulars, to wit:

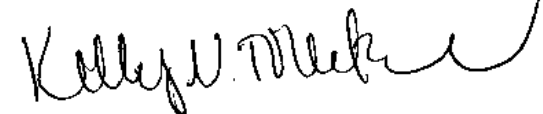
- A. Waive the design standard for the construction and installation of sidewalks on Pioneers Boulevard between 59th and 60th Streets.
- B. Waive the design standard requiring the construction and installation of the remaining sidewalk on South 59th Street Court, as only one lot remains which is still owned by Zermatt Equity and for which does not currently have a sidewalk on it.

Please consider this letter as a formal request for waiver of the design standard. Please advise me of the date this matter will be forwarded to the Planning Commission and/or City Council for recommendation and/or vote as the case may be.

Yours truly,

MORROW, POPPE, OTTE,  
WATERMEIER & PHILLIPS, P.C.

By



Kelly N. Tollefsen

KNT/amw  
Enclosures  
cc: Margaret Sutton